# IN THE HIGH COURT OF JUDICATURE AT BILASPUR, CHHATTISGARH

cf 1001-

W.P. No. 2089 OF 2001

**PETITIONERS**

1. Sooraj Singh Rathore, S/o Siroman Lal Rathore, aged about 61 years, Assistant Teacher, working in Girls Primary School, Hamalpara, Kharasia, District Raigarh (Chhattisgarh)

2. Dasmahant, S/o Amardas, aged about 60 years, working as Head Master in Boys Primary School, Hamalpara, Kharasia, District Raigarh (Chhattisgarh)

P. R. No. 2161/01
Presented by Shri R. D. Budtaiya
dated 16/10/01

**VERSUS**

**RESPONDENTS**

1. State of Chhattisgarh, through the Secretary, Department of School Education, D.K. Building, Raipur (Chhattisgarh)

2. Commissioner, Bilaspur Division, Bilaspur (Chhattisgarh)

3. Collector (Tribal), District Raigarh (Chhattisgarh)

4. Principal, Girls Primary School, Hamalpara, Kharasia, District Raigarh (Chhattisgarh)

5. Principal, Boys Primary School, Hamalpara, Kharasia, District Raigarh (Chhattisgarh)

**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA**

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(31)

# आदेश पत्रक

W.P.No.2089/2001

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| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | 30/10/2001<br><br>Shri Prashant Mishra, counsel for petitioners.<br>Shri Deep Kesharwani, PL for the State.<br>Heard.<br>Counsel for the State submits that State Administrative Tribunal shall have the jurisdiction over this matter concerning transfer of writ petitioner. According to Shri Mishra, learned counsel for the petitioners after this Court had issued some directions calling upon the Commissioner to examine the case of the petitioner the Tribunal in some cases has declined to examine the matter inasmuch as the High Court has already examined the matter earlier. Shri Deep Kesharwani, learned PL for the State submits that since State Administrative Tribunal is now functioning it would be proper that the matter is examined by the said State Administrative Tribunal.<br>Shri Prashant Mishra, learned counsel for the petitioners submits that in fact the petitioners are on the verge of retirement and in a year or two, they will retire from their services. In my view, if that be so, this Court's direction should clearly redress | |

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the grievance of the writ petitioner. Be that as it may, in order to have the uniformity in the matters, let the writ petitioners approach the Tribunal within a month particularly on the point that they should not be touched as they will retire from their service in a year or two.

Let the Tribunal decide the entire matter on merit. In the facts and circumstances of the present case, it will be reasonable that the petitioner shall be allowed to continue in their present place of posting and in this view of the matter, the order of transfer issued in respect of the writ petitioners shall remain stayed until the matter is decided finally by the learned Tribunal.

With the above observations and directions, this petition is disposed of.

Certified copy as per rules.

Sd/-
Chief Justice